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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

ORIGINAL

In the Matter of)

CC Docket No. 99-273

Provision of Directory Listing)

Information under the Telecommunications)

Act of 1934, As Amended)

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

REPLY OF LSSi CORP.

LSSi Corp. ("LSSi", formerly Listing Services Solutions, Inc.), by its attorneys, respectfully submits this response to parties' comments on the Petitions for Reconsideration filed by several incumbent local exchange carriers ("ILECs") in the above-captioned docket.¹

On April 30, 2001, parties replied to the ILECs' Petitions for Reconsideration of the Federal Communications Commission's ("FCC's" or "Commission's") *First Report and Order*.² Commenters generally agreed with LSSi's recognition that only states, not ILECs, may impose nondiscriminatory restrictions upon the competitive local exchange carriers' ("CLECs") use of directory assistance ("DA") information under the *DA Order*.³ Moreover, CLEC commenters, including LSSi, commended the Commission for setting the competitive DA market on a level playing field, where no one market participant has unfettered power to limit the success of another.⁴

¹ *In the Matter of Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended*, CC Docket No. 99-273, Petition for Reconsideration of SBC Communications Inc. and BellSouth Corporation, FCC 01-27 (March 23, 2001) ("SBC and BellSouth Petition"); *In the Matter of Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended*, CC Docket No. 99-273, Petition for Reconsideration of Qwest Corporation, FCC 01-27 (March 23, 2001) ("Qwest Petition").

² *In the Matter of Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended*, CC Docket No. 99-273, First Report and Order, FCC 01-27 (rel. Jan. 23, 2001) ("First Report and Order").

³ LSSi Opposition at 3; InfoNXX Opposition at 3; WorldCom Opposition at 3-4; see also *First Report and Order* ¶ 29.

⁴ *Id.*

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The ILECs' intentional misreading of the *Order* dismantles the Commission's stated purpose to benefit consumers through the proliferation of competition and innovation by prohibiting ILECs from setting the pace for the future of the directory assistance marketplace.⁵ Only one commenter, Verizon, echoes the spurious interpretation proffered by the ILEC Petitions.⁶ Verizon urges the Commission to endorse an ILEC-imposed *use* restriction. Specifically, Verizon contends that ILECs must be able to limit competitive DA providers to "use the information exactly as the providing ILEC does, and not in ways that the providing LEC does not."⁷ WorldCom observes correctly that Petitioners "fail to explain, however, how a provision that provides for nondiscriminatory access. . . could be read to allow for a provisioning party to restrict use in a manner that the provisioning party itself is not restricted by state or federal law."⁸ Thus, Verizon's misinterpretation suffers from the same deficiencies as the underlying ILEC petitions.⁹ The Commission's *First Report and Order* clearly requires that ILECs and competitors be held to the same *legal* standard on the use of DA information, such that state-imposed restrictions apply to all providers.¹⁰

Despite ILEC claims to the contrary,¹¹ the Commission understood that the "directory assistance market will not be fully competitive as long as incumbent LECs have the ability to leverage their monopoly control of their DA databases into market dominance."¹² Accordingly,

⁵ LSSi Opposition at 3; InfoNXX Opposition at 4; WorldCom Opposition at 6.

⁶ Verizon Comments at 2.

⁷ *In the Matter of Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended*, CC Docket No. 99-273, Comments of Verizon to Petitions for Reconsideration, FCC 01-27 (April 30, 2001) ("Verizon Comments") at 2.

⁸ WorldCom Opposition at 4.

⁹ LSSi Opposition at 2.

¹⁰ The *Order* "precludes states from discriminating among LECs by imposing different access restrictions on competing providers, thereby allowing certain LECs to enjoy greater access to information than others." *First Report and Order* ¶ 29.

¹¹ Qwest Petition at 2; SBC and BellSouth Petition at 1; Verizon Comments at 1.

¹² *First Report and Order* ¶ 3.

the Commission determined that only regulators can balance consumer privacy concerns with the competitive demand for innovative applications of DA information.¹³ This balance emerges from the ability of state commissions “to limit how LECs or competing DA providers can use accessed directory information”¹⁴ in a manner that applies “equally to LECs and competitors.”¹⁵ By empowering the states to determine any appropriate usage restrictions on directory assistance, the Commission guarantees equal treatment of the DA providers’ dissemination of information.

Finally, as Commenters note in their Oppositions,¹⁶ the Commission emphasized the burden imposed on competitors, if ILECs limit competitors to only those uses employed by the ILECs in an effort to stifle innovative applications of directory assistance.¹⁷ The literal application of Verizon’s misinterpretation of the *Order* would require a provider of national directory assistance to undertake the administrative nightmare of provisioning the same database across the country, while ensuring that the information in the database is *never* used in any application not currently being employed by some ILEC in some state or some region. LSSi, however, explained in its Opposition that ILECs often use the information in their DA databases quite differently.¹⁸ For instance, Qwest chooses to use its DA information in an Internet application while Verizon to date has not.¹⁹ This burden multiplies each time an ILEC decides to initiate or terminate a particular usage.

¹³ *First Report and Order* ¶¶ 28-29.

¹⁴ *First Report and Order* ¶ 29.

¹⁵ InfoNXX Opposition at 4.

¹⁶ LSSi Opposition at 3-9; InfoNXX Opposition at 5; WorldCom Opposition at 2.

¹⁷ *First Report and Order* ¶ 43.

¹⁸ LSSi Opposition at 12.


¹⁹ Qwest Petition at 12.

CONCLUSION

For the reasons set forth herein, LSSi again urges the Commission to deny the ILEC
Petitions for Reconsideration.

Respectfully submitted,

LSSi CORP.

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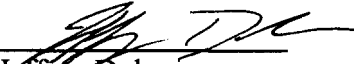
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Dated: May 10, 2001

CERTIFICATE OF SERVICE

I, Jeffrey Dobson, do hereby certify on this 10th day of May, 2001, that I have served a copy of the foregoing document via * messenger and U.S. Mail, postage pre-paid, to the following:


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